

RESOLUTION NO. 2016242

RE: AUTHORIZATION TO ACQUIRE A FEE ACQUISITION  
FROM MICHAEL N. KAPLAN & CHRISTINA H. LEE  
IN CONNECTION WITH THE PROJECT KNOWN AS  
REPLACEMENT OF BRIDGE C-19 ON CR 14 (HOLLOW  
ROAD) OVER LITTLE WAPPINGER CREEK, IN THE  
TOWN OF CLINTON, DUTCHESS COUNTY (PIN 8755.91)

Legislators PULVER, MICCIO, BOLNER, TRUITT, ROMAN, and SAGLIANO offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the replacement of Bridge C-19 on CR 14 (Hollow Road) over Little Wappinger Creek, in the Town of Clinton, Dutchess County which project includes the acquisition in fee of a 1,001+/- square foot parcel as shown on Map 3, Parcel 6, to facilitate the bridge replacement in the Town of Clinton; and

WHEREAS, the Department of Public Works has determined that the improvement project (1) constitutes a Type II action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and (2) will not have a significant effect on the environment, and

WHEREAS, the Department of Public Works has made a determination that in order to replace said bridge, it is necessary to acquire in fee a portion of real property which is shown on Map 3, Parcel 6, located on CR 14 (Hollow Road) in the Town of Clinton, Dutchess County, and is described as Parcel Identification Number 312400-6467-03-051285-0000, presently owned by Michael N. Kaplan and Christina H. Lee, and

WHEREAS, the purchase price to acquire in fee for the 1,001+/- square foot parcel as shown on Map 3, Parcel 6, is \$4,400, to the property owner, Michael N. Kaplan and Christina H. Lee, and

WHEREAS, a proposed Agreement to Purchase Real Property between the County and the property owner is annexed hereto, and

WHEREAS, the Commissioner of Public Works has recommended that the subject property be acquired for the total sum of \$4,400.00, plus an authorization to spend up to an additional \$1,000.00 in related expenses, if necessary; now, therefore, be it

WHEREAS, it is the purpose of this Legislature in adopting this resolution to adopt and confirm the findings of the Department of Public Works, and

RESOLVED, that this Legislature hereby adopts and confirms the determination of the Dutchess County Department of Public Works that the project, including the acquisition of the property described above in the Town of Clinton, will not have a significant effect on the environment, and be it further

RESOLVED, that the County Executive or his designee is authorized to execute the Agreement to Purchase Real Property in substantially the same form as annexed hereto along with any other necessary documents in connection with this acquisition, and be it further

RESOLVED, that on the receipt from the property owner of executed deed to the aforementioned land, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, the County shall pay the necessary associated fees and/or expenses in connection with the acquisition and recording said deed.

CA-130-16

JMF/kvh/R-0948-I

09/09/16

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 11th day of October 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11<sup>th</sup> day of October 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

## FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

### APPROPRIATION RESOLUTIONS (To be completed by requesting department)

Total Current Year Cost \$ 5,400

Total Current Year Revenue \$ 5,130  
and Source

Source of County Funds (check one): ☒ Existing Appropriations, ☐ Contingency,  
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):  
H0289.5120.3009 - 2000 Bridges (ISTEA/TA21)

Related Expenses: Amount \$ \_\_\_\_\_

Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \_\_\_\_\_  
Over Five Years: \$270

#### Additional Comments/Explanation:

PIN 8755.91 Replacement of Bridge C-19 at CR14 (Hollow Rd.) over Little Wappinger Creek, Town of Clinton.

Authorization to acquire in Fee a 93+/- sq. meter (1,001 +/- sq. ft.) parcel as shown on Map 3, Parcel 6, with the purchase price of \$4,400 from Michael N. Kaplan and Christina H. Lee, located at 863 Hollow Rd. in the Town of Clinton.

Related expenses in the amount of \$1,000 are included in the Total Current Year costs.

Prepared by: Matthew Davis

Prepared On: 8/24/16

## AGREEMENT TO PURCHASE REAL PROPERTY

Project: CR 14 (Hollow Road) over the Little Wappinger Creek (BIN 3342820)  
PIN OR CIN: 8755,91

Maps: 03 & 08

Parcels: 6 & 12

This Agreement by and between MICHAEL N. KAPLAN and CHRISTINA H. LEE, residing at PO Box 170, Salt Point, NY 12578 hereinafter referred to as "Seller", and the COUNTY OF DUTCHESS, with offices at 22 Market Street, Poughkeepsie, New York 12601 hereinafter referred to as "Buyer".

1. PROPERTY DESCRIPTION. The Seller agrees to sell, grant, convey:

- ☒ all right title and interest to 1,001± square feet of real property. Purchase price is \$4,400
- ☐ a permanent easement to 0± square feet of real property. Purchase price is \$0
- ☒ a temporary easement to 75± square feet of real property. Purchase price is \$100

Located at 863 Hollow Road, Town of Clinton, Dutchess County, New York, and is further described as parcels 6 & 12 on Exhibit "A", attached hereto.

Being a portion of those same lands described in that certain deed dated March 16, 1989 and recorded March 22, 1989 in Liber 1829 at Page 782 in the Office of the County Clerk for Dutchess County (re: Grid #6467-03-051285),

- 2. IMPROVEMENTS INCLUDED IN THE PURCHASE. The following improvements, if any, now in or on the property are included in this Agreement: Lawn, bushes, trees, and split rail fence.
- 3. PURCHASE PRICE. The total purchase price is FOUR THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS (\$4,500.00). This price includes the real property described in paragraph 1 and the improvements described in paragraph 2, if any.
- 4. CLOSING DATE AND PLACE. Transfer of Title shall take place through the mail or at a mutually acceptable location, on or about June 19, 2016. This Agreement may be subject to the approval of the Dutchess County Legislature.
- 5. BUYER'S POSSESSION OF THE PROPERTY. The Buyer shall provide full payment of the purchase price stated in paragraph 3 to the Seller prior to taking possession of the property rights. Any closing documents received by the Buyer prior to payment pursuant to paragraph 4 above, shall be held in escrow until such payment has been received by the Seller or the Seller's agent.
- 6. TERM OF TEMPORARY EASEMENT. The term of the Temporary Easement(s) shall be for two (2) years. The commencement date may be up to nine (9) months after the date of execution of the Temporary Easement. The Temporary Easement may be extended for two (2) additional one year terms at the option of the Buyer. Thirty (30) days prior to the expiration of the term or extended term of the Temporary Easement, the Buyer shall notify the Seller in writing of its intention to exercise its option of extending the term of the Temporary Easement for an

additional one year. The cost of each additional one year term shall be \$50.00. The Buyer shall include a check for the sum of \$50.00 with said written notification to the Seller.

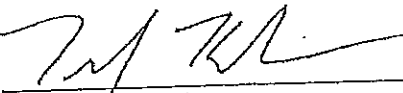
7. TITLE DOCUMENTS. Buyer shall provide the following documents in connection with the sale:
- A. Deed. Buyer will prepare and deliver to the Seller for execution at the time of closing all documents required to convey the real property interest(s) described in paragraph 1 above. Buyer will pay for a title search.
8. MARKETABILITY OF TITLE. Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in fee simple and/or permanent easement to the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. Seller agrees to cooperate with Buyer in its curative action activities. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3, and paid to the appropriate party by the Buyer at the time of closing. In the alternative, the Seller may elect to satisfy the liens and encumbrances from another source of funds.
9. RECORDING COSTS AND CLOSING ADJUSTMENTS. Buyer will pay all recording fees, if any. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between Seller and Buyer as of the date of closing: current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.
10. RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY. The stipulations aforesaid shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.
11. ENTIRE AGREEMENT. This agreement when signed by both the Buyer and the Seller will be the record of the complete agreement between the Buyer and Seller concerning the purchase and sale of the property. No verbal agreements or promises will be binding.
12. NOTICES. All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.

IN WITNESS WHEREOF, on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, the parties have entered into this Agreement.


APPROVED AS TO FORM:

\_\_\_\_\_  
Department of Law

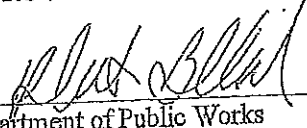
SELLER:

  
Michael N. Kaplan

SELLER:

  
Christina H. Lee

APPROVED AS TO CONTENT:

  
Department of Public Works

COUNTY OF DUTCHESS:

\_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_



EXHIBIT A  
COUNTY OF DUTCHESS  
ACQUISITION MAP

MAP NO. 3

PARCEL NO. 6

SHEET 1 OF 2

CR 14 (HOLLOW ROAD) OVER THE  
LITTLE WAPPINGER CREEK (BIN  
5342820) BRIDGE C-19

PIN 8755.91

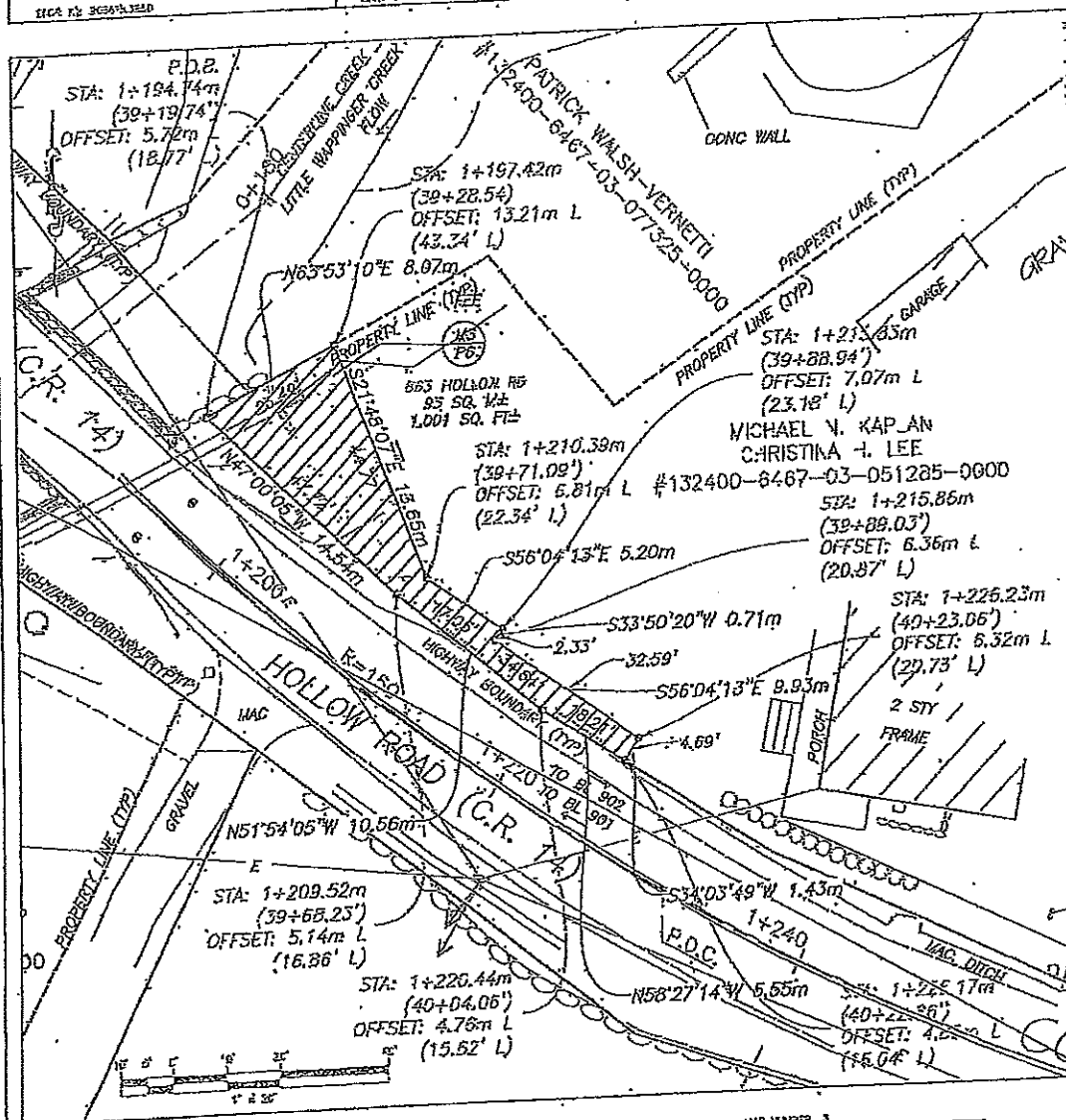
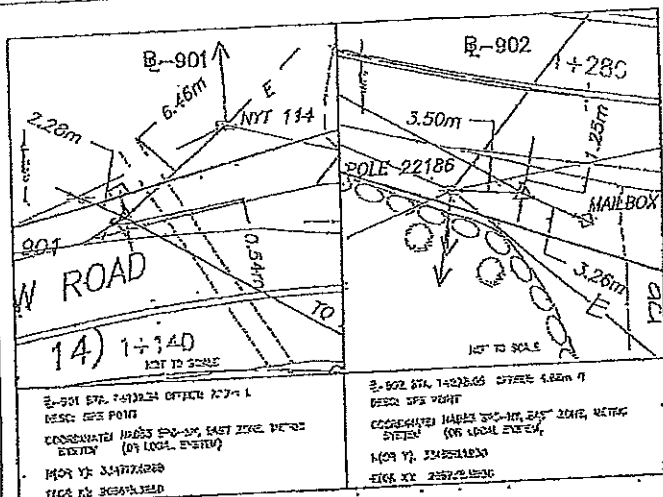
ACQUISITION DESCRIPTION:

Type: FEE  
Portion of Real Property Tax  
Parcel ID No. 132400-6467-03-051285-0000

Town of Clinton  
County of Dutchess  
State of New York

REPUTED OWNER(s):

Michael N. Kaplan  
Christina H. Lee  
863 Hollow Road  
Salt Point, NY 12578  
Deed Book: 1829  
Deed Page: 782



GROUND OF THIS MAP (SHEETS 1 & 2)  
ARE ON FILE AT THE OFFICES OF THE DUTCHESS  
COUNTY DEPARTMENT OF PUBLIC WORKS

MAP NUMBER 3

REVISED DATE 4/6/06

DATE PREPARED 5/20/15

CHECKED BY TJS

FINAL CHECK BY LE

PREPARED BY TJS



EXHIBIT A  
COUNTY OF DUTCHESS  
ACQUISITION MAP

CR 14 (HOLLOW ROAD) OVER THE  
LITTLE WAPPINGER CREEK (BIN  
5542820) BRIDGE C-19

PIN 8755.91

MAP NO. 3

PARCEL NO. 6

SHEET 2 OF 2

All that piece or parcel of property hereinafter designated as Map No. 3, Parcel No. 6, situate in the Town of Clinton, County of Dutchess, State of New York, as shown on the accompanying map and described as follows:

Beginning at a point on the northeasterly boundary of Hollow Road, aka County Route 14, said point being 5.72 meters (18.77 feet) left, measured at right angles, from STA 1+194.74 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; thence along the southerly boundary of lands now or formerly Walsh-Verneti (reputed owner), N 63 degrees 53 minutes 10 seconds E 8.07 meters (26.49 feet) to a point 13.21 meters (43.34 feet) left, measured at right angles from STA 1+197.42 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; thence through the property of Kaplan & Lee (reputed owners) the following five (5) courses and distances: (1) S 21 degrees 48 minutes 07 seconds E 13.65 meters (44.77 feet) to a point 6.81 meters (22.34 feet) left, measured at right angles from STA 1+210.39 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; (2) S 56 degrees 04 minutes 13 seconds E 5.20 meters (17.05 feet) to a point 7.07 meters (23.18 feet) left, measured at right angles from STA 1+215.83 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; (3) S 33 degrees 50 minutes 20 seconds W 0.71 meters (2.33 feet) to a point 6.36 meters (20.87 feet) left, measured at right angles from STA 1+215.86 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; (4) S 56 degrees 04 minutes 13 seconds E 9.93 meters (32.59 feet) to a point 6.32 meters (20.73 feet) left, measured at right angles from STA 1+226.23 meters of the centerline of the Re-constructed Hollow Road, aka County Route 14; and (5) S 34 degrees 03 minutes 49 seconds W 1.43 meters (4.69 feet) to a point 4.89 meters (16.04 feet) left, measured at right angle from STA 1+226.17 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; thence along the northeasterly boundary Hollow Road, aka County Route 14 the following three (3) courses and distances: (1) N 58 degrees 27 minutes 14 seconds W 5.55 meters (18.21 feet) to a point 4.76 meters (15.62 feet) left, measured at right angles from STA 1+220.44 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; (2) N 51 degrees 54 minutes 05 seconds W 10.56 meters (34.64 feet) to a point 5.14 meters (16.86 feet) left, measured at right angles from STA 1+209.52 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; and (3) N 47 degrees 00 minutes 05 seconds W 14.54 meters (47.72 feet) to the point and place of beginning; being 93 square meters (1,001 square feet) more or less.

I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is recommended.

Date 4-18 2016

Noel H.S. Knille, AIA, ASLA  
Commissioner of Public Works

Recommended by:

Date 4/18 2016

Robert H. Bokind, P.E.  
Deputy Commissioner of Public Works

"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map is an accurate description and map made from an accurate survey, prepared under my direction.

Date: JULY 30, 2015



Terry Bergendorff Collins, Land Surveyor  
P.L.S. License No. 49691  
Terry Bergendorff Collins Land Surveying  
52 Starr Ridge Road  
Brewster, NY 10509

MAP NUMBER 3

REVISED DATE 1/16/16

DATE PREPARED 6/20/15

PREPARED BY: CM

CHECKED BY: TD

FINAL CHECK BY: ST





EXHIBIT A  
COUNTY OF DUTCHESS  
ACQUISITION MAP

CR 14 (HOLLOW ROAD) OVER THE  
LITTLE WAPPINGER CREEK (DN  
3342820) BRIDGE C-19

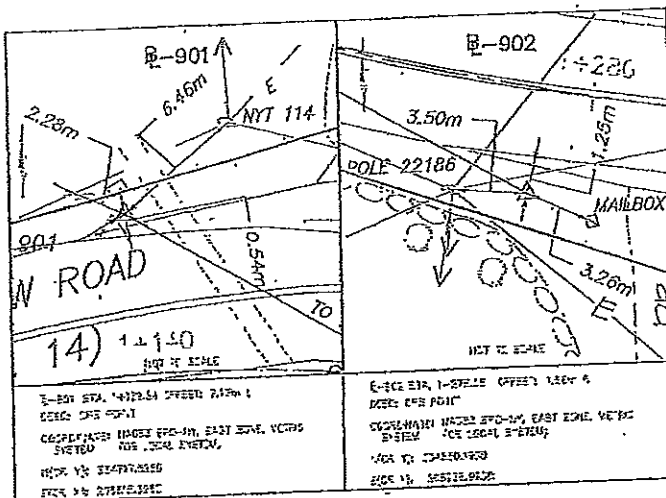
PIN 8755.91

Rev3

MAP NO. 8

PARCEL NO. 12

SHEET 1 OF 2

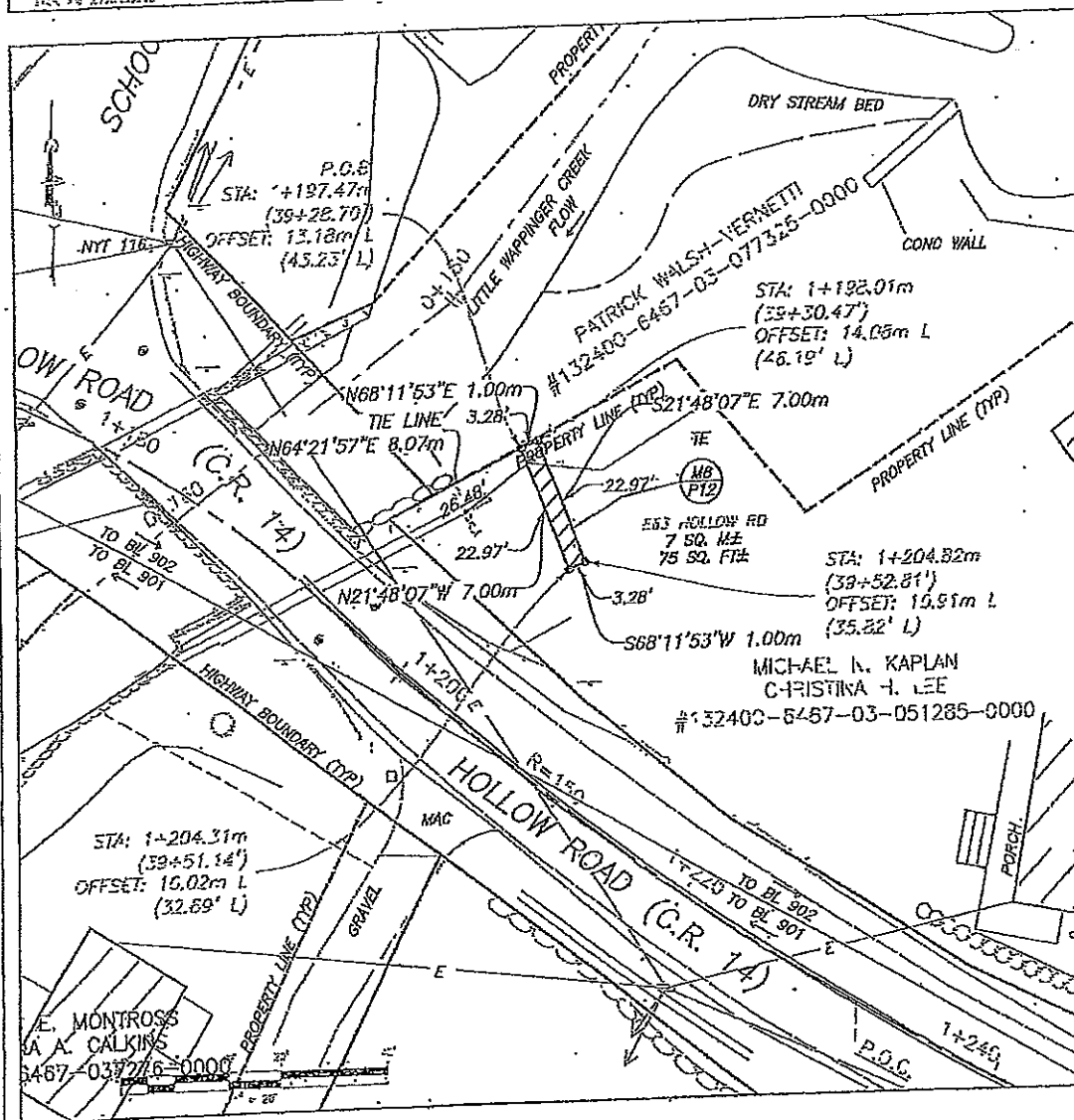


ACQUISITION DESCRIPTION:

Type: TE  
Portion of Real Property Tax  
Parcel ID No. 132400-6467-03-051285-0000  
Town of Clinton  
County of Dutchess  
State of New York

REPUTED OWNER(s):

Michael N. Kaplan  
Christina H. Lee  
863 Hollow Road  
Salt Point, NY 12578  
Deed Book: 1829  
Deed Page: 782



E. MONTROSS  
A.A. CALKINS  
#132400-037276-0000

MICHAEL N. KAPLAN  
CHRISTINA H. LEE  
#132400-6467-03-051285-0000

MAP NUMBER 8  
REVISION DATE 3/8/06  
DATE PREPARED 1/21/06

ORIGINAL OF THIS MAP (SHEETS 1 & 2)  
ARE ON FILE AT THE OFFICE OF THE DUTCHESS  
COUNTY DEPARTMENT OF PUBLIC WORKS



EXHIBIT A  
COUNTY OF DUTCHESS  
ACQUISITION MAP

CR 14 (HOLLOW ROAD) OVER THE  
LITTLE WAPPINGER CREEK (BIN  
3342820) BRIDGE C-19

PIN 8755.91

MAP NO. 8  
PARCEL NO. 12  
SHEET 2 OF 2

Description of easement: A temporary easement to be exercised in, on and over the property above for the purpose of temporary access to local bridge C-19 (BIN 3342820) for the purposes of removing and replacing the existing wingwalls, installation of permanent bank stabilization, and restoration of lands disturbed due to said construction project, for use and exercisable during the construction or reconstruction of the highway and terminating upon the approval of the completed work, unless sooner terminated if deemed no longer necessary for highway purposes and released by the County of Dutchess or other authorized representative acting for the The People of The County of Dutchess or its assigns. Such easement shall be exercised in and to all the (those) piece(s) or parcel(s) of property designated as Parcel No. 12 as shown the accompanying map and further described as follows:

All that piece or parcel of property hereinafter designated as Map No. 8, Parcel No. 12, situate in the Town of Clinton, County of Dutchess, State of New York, as shown on the accompanying map and described as follows:

Beginning at a point on the southerly boundary of lands now or formerly Walsh-Verneti (reputed owners), said point being 13.18 meters (43.23 feet) left, measured at right angles, from STA 1+197.47 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; thence along the along the southerly boundary of lands now or formerly Walsh-Verneti (reputed owners) N 68 degrees 11 minutes 53 seconds E 1.00 meter (3.28 feet) to a point 14.08 meters (46.19 feet) left, measured at right angles, from STA 1+198.01 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; thence through the property of Kaplan & Lee (reputed owners) the following three (3) courses and distances: (1) S 21 degrees 48 minutes 07 seconds E 7.00 meters (22.97 feet) to a point 10.91 meters (35.82 feet) left, measured at right angles, from STA 1+204.82 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; (2) S 68 degrees 11 minutes 53 seconds E 1.00 meter (3.28 feet) to a point 10.02 meters (32.89 feet) left, measured at right angles, from STA 1+204.31 meters of the centerline of Re-constructed Hollow Road, aka County Route 14; and (3) N 21 degrees 48 minutes 07 seconds W 7.00 meters (22.97 feet) to the point and place of beginning; being 7 square meters (75 square feet) more or less.

I hereby certify that the property  
mopped above is necessary for  
this project, and the acquisition  
thereof is recommended.

Date 2-23 2016

Noel H.S. Knille

Noel H.S. Knille, AIA, ASLA  
Commissioner of Public Works

Recommended by:

Date 2/23 2016

Robert H. Bolkind

Robert H. Bolkind, P.E.  
Deputy Commissioner of Public Works

"Unauthorized alteration of a survey map  
bearing a licensed land surveyor's seal is  
a violation of the New York State  
Education Law."

I hereby certify that this map is on  
accurate description and map made  
from an accurate survey, prepared under  
my direction.

Date: January 21, 2016



Terry Bergendorff Collins  
Terry Bergendorff Collins, Land Surveyor  
P.L.S. License No. 49691  
Terry Bergendorff Collins Land Surveying  
52 Starr Ridge Road  
Brewster, NY 10509

MAP NUMBER 8  
REVISED DATE 2/9/16  
DATE PREPARED 1/21/16